GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Minorities Welfare Department – Contempt Case No:770/2016 in W.P.No.24567/2015 filed by Sri Goduguluri Rangaiah and 18 others for compliance of the orders of Hon'ble High Court in W.P.No.24567/2015, dated: 06.08.2015 - Not to consider the final report dt.17.12.2014 of the District Collector, Krishna - Orders – Issued.

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3. In the reference 3rd read above, Government noticed certain irregularities in the Andhra Pradesh Wakf Board and issued orders that all further proceedings in pursuance of the G.Os. 1st & 2nd read above are stayed and directed the Secretary, Jamaat-E-Mujavars Association of Hazrath Galib Shaheed Dargah, Vijayawada, not to proceed further in pursuance of the above Government Orders, pending enquiry by the appropriate authorities into the irregularities and the allegations noticed.

4. After that, M/s. Lakshmi Srinivasa Co-operative Building Society Limited filed O.S. No.449 of 1984 in the 1st Addl. Senior Civil Judge Court, Vijayawada for specific performance of an agreement alleged to have been executed by the Wakf Board in their favour and the said suit was decreed by trial court and against the decree and judgment of the trial court an appeal Suit No.686, 125 of 2006 was filed on the Hon'ble High Court of Andhra Pradesh and the same was dismissed on 25.01.2007.

5. Aggrieved by the orders of High Court, M/s. Mohammadia Cooperative Building Society Layout Residents Welfare Association, Vijayawada and Wakf Board approached the Supreme Court by filing Civil Appeal Nos.3329, 337-339 of 2008 and the Apex Court in its orders dated 06-05-2008 (reference 4th read above) disposed off the said Civil Appeal. The Apex court observed in para 44 as follows:

> "We, therefore, are of the opinion that the Government of Andhra Pradesh would be well advised to cause an enquiry to be made into the entire affairs of the Andhra Pradesh Wakf Board and others concerned vis-a'-vis the transactions carried out in the matter, albeit after giving an opportunity of hearing to the parties. We expect that the Government of Andhra Pradesh would initiate appropriate proceedings and take such action or actions against all concerned including its own officers as also those of the Board and Dargah as also the allottees in the event they are found guilty".

6. In the reference 5th read above, in pursuance of the orders of the Supreme Court, the Joint Collector, Krishna was appointed as enquiry officer, to inquire into the matter. In the reference 6th read above the Joint Collector, Krishna has submitted his enquiry report on 01.09.2012 stating some lapses in the process.

7. In the reference 7th read above, Government have initiated action to take disciplinary action against the members, employees, society personnel, allottees of plots who are involved in the irregularities in alienation of the Wakf Land Acs. 35.20 cents belonging to Dargah Hazrath Ghalib Shaheed(Rh) and to cancel the permission accorded to the Andhra Pradesh Wakf Board for alienation of the above Wakf property in favour of M/s. Mohammadia Cooperative Building Society Layout Residents Welfare Association, Vijayawada and requested to submit reports by the concerned.

8. In the reference 8th read above, Government have directed the Chief Executive Officer, A.P.State Waqf Board, Agriculture & Coop Department, Revenue Department to identify the persons responsible and to initiate appropriate proceedings against them including against the M/s. Mohammadia Co-operative Building Society Layout Residents Welfare Association, Vijayawada, for having committed several irregularities & violation of Andhra Pradesh Cooperative Societies Act and Rules. The District Collector, Krishna was requested to issue notices to all the guilty plot holders for cancellation of the said plot allotment by giving notices etc. and submit a detailed report for taking further action. He was also requested to submit specific remarks in respect of non-guilty plot holders so as to do justice to them.

9. In the reference 9th read above, the District Collector, Krishna has reported that out of 433 plot owners, 261 plot owners are not found guilty and 172 plot owners are found guilty and also stated that it may be appropriate to expedite the process for non-guilty plot holders so as to do justice to them.

10. In the reference 10th read above, based on the report of the District Collector, Krishna, Sri Goduguluri Rangaiah and 18 others have filed WP bearing No.24567 of 2015 in the High Court of Andhra Pradesh. The Hon'ble High Court of Andhra Pradesh in its orders dt:06.08.2015 in W.P.No.24567 of 2015 have passed the following orders:-

> "For the aforesaid reasons, the Writ Petition is disposed off, without expressing any opinion on the merits and demerits of the issue, directing the 1st respondent – State Government to take appropriate action pursuant to the report submitted by the District Collector – 2nd respondent herein vide proceedings, dated 17.12.2014 within a period of three (3) months from the date of receipt of a copy of this order."

11. As the matter stood thus, Sri Goduguluri Rangaiah and 18 others have filed Contempt Case No.770 of 2016 in W.P.No:24567/2015 in the Hon'ble High Court of Andhra Pradesh for non-compliance of the orders of the Hon'ble High Court. The Contempt Case in Writ Petition came up for hearing several times and counter affidavit have already been filed.

12. In view of the above, Government have come to the conclusion that as per the provisions laid down in the Section 36-A of the Wakf Act, 1954, the transfer of land to the M/s. Mohammadia Cooperative Society is not in accordance with law and therefore all the subsequent actions taken place in the transfer of plots to the individual members by the society and subsequent transfers also will become invalid.

13. Therefore, Government after careful examination of the matter hereby cancel the orders issued at para-10 (iv) of G.O.Rt.No.134, Minorities Welfare (IDM) Department, dt:08.08.2013 and the report of the District Collector, Krishna dt.17.12.2014 in pursuance of the said G.O. are hereby set aside.'

14. The Chief Executive Officer, Andhra Pradesh State Waqf Board, Vijayawada shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MOHD ILIYAS RIZVI
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Executive Officer, A.P. State Waqf Board, Vijayawada.
The District Collector, Krishna.

Copy to:

The Chief Commissioner of Land Administration, A.P., Vijayawada.
The Commissioner, Municipal Corporation of Vijayawada, Krishna District,
The Addl. Advocate General for High Court of A.P., Nelapadu.
The Government Pleader for Minorities Welfare,
High Court of A.P., Nelapadu.
The District Registrar, Registration Department, Krishna.
The Law Department, A.P. Secretariat, Velagapudi.
The Revenue (OP/Registration-II/ULC) Department,
A.P. Secretariat, Velagapudi.
The Agriculture and Co-Operative Department,
A.P. Secretariat, Velagapudi.
The P.S. to Deputy Chief Minister and Minister for Minorities Welfare,
A.P.Secretariat, Velagapudi.
The P.S. to Prl. Secretary to Government, Minorities Welfare Department.
SC /SF.

// FORWARDED :: BY ORDER //

SECTION OFFICER